

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Mailing by "Express Mail"

Express Mailing No: EL916627406145

Date of Deposit: October 15, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. § 1.10 on the date indicated above addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450.

Jeffery E. Sexton
Jeffery E. Sexton

031088 U.S. PTO
10/686460



101503

BOX PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b)

1. **Type of Application**

This new application for a

☐ Continuation

☒ Divisional

application under 37 CFR 1.53(b), of pending prior application Serial No. 09/808,567, which was filed on March 14, 2001, of Paul John Seakins, Mohammad Thudor and Malcolm David Smith and entitled "BREATHING ASSISTANCE APPARATUS".

2. **Benefit of Prior U.S. Application(s)**

☒ The new application being transmitted claims the benefit of prior U.S. application(s).

☐ Amend the specification by inserting on the first page, after the title:

3. **Papers Enclosed**

☒ 15 pages of specification

☒ 4 page of claims

☒ 1 page of Abstract

☒ 3 sheets of formal drawings

☒ 2 pages of *executed* declaration and power of attorney.

☒ 3 pages of an Application Data Sheet

4. **Amendments**

☐ A Preliminary Amendment is enclosed.

5. **Information Disclosure Statement**

☒ An Information Disclosure Statement is submitted herewith.

6. **Fee Calculation (37 CFR 1.16)**

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee
			\$ 770.00
Total Claims 24	4	x \$ 18.00	\$ 72.00
Independent Claims 2	0	x \$ 86.00	\$.00
Multiple dependent claim(s), if any		+ \$290.00	\$ 290.00
Filing Fee Calculation		\$	\$ 1132.00

7. **Small Entity Status**

☐ Applicant hereby asserts status as a Small Entity under 37 C.F.R. §1.27

8. **Inventorship Statement**

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application. It is requested that the following inventors identified above for the prior application be deleted:

(b) The inventorship for the claims in this application is:

☒ the same.

☐ not the same. And an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

9. **Assignment**

☒ The prior application is assigned of record to

Fisher & Paykel Healthcare Limited, 78 Springs Road, East Tamaki, Auckland,
New Zealand

10. **Fee Payment Being Made At This Time**

- ☒ basic filing fee: \$ 1132.00
- ☐ recording assignment (\$40.00; 37 CFR 1.21(h))
(See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW
PATENT APPLICATION".)
- ☐ processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l).

11. **Method of Payment of Fees**

- ☒ A check in the amount of \$1132.00

12. **Authorization To Charge Additional Fees**

- ☒ The Commissioner is hereby authorized to charge the following additional fees
which may be required by this paper and during the entire pendency of the
application to Account No. 20-1495.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 CFR 1.17 (application processing fees)

13. **Power of Attorney**

- ☒ The power of attorney in the prior application is to
Raiford A. Blackstone, Jr., Reg. No. 25,156
- a. ☒ The power appears in the original papers in the prior application.
Enclosed herewith is a copy of the Power as originally filed on May
23, 2001.
- b. ☐ Because the power does not appear in the original papers, a copy of the
power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
- d. ☒ Address all future communications to:
Raiford A. Blackstone, Jr.
Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.
105 W. Adams Street
Suite 3600
Chicago, Illinois 60603-6299
(312) 704-1890

14. **Petition for Extension of Time in Prior Application**

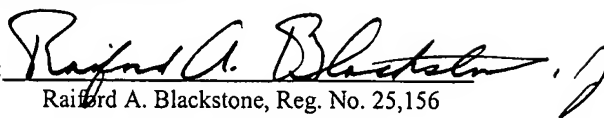
- ☐ A petition for extension of time and an amendment was filed on _____
with the pending parent application to extend the date for response up to and
including _____.
- ☐ A copy of the petition for extension of time in the pending parent application is
attached.

Respectfully submitted,

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

Attorney for Applicant

Date: OCT. 15, 2003

By: 

Raiford A. Blackstone, Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

Trexler, Bushnell, Giangiorgi,
Blackstone & Marr, Ltd.

105 W. Adams St., 36th Floor

Chicago, Illinois 60603

(312) 704-1890

572210